Hom. **(1954) Department.**

ms **SERIES.**

P 716

| |
|---|
| **G.O. No.** 4771 |
| **Dated** 30 11 49 |

---

**[Despatch Abstract.]**

No. F.30-19/48.Pak.II
GOVERNMENT OF INDIA
Ministry of External Affairs.

New Delhi, the 17th November 1949.

From

Prem Krishen, Esq., I.C.S.,
Deputy Secretary to the Government of India

To

All Provincial Governments

Sub: EXTRADITION of fugitive offenders from Pakistan to India and vice versa - Procedure for the extradition of fugitive offenders who are undergoing trial or imprisonment.

Sir,

I am directed to refer to this Ministry's letter No. F.23-1/47.O.C.V.(Pak) dated the 10th March 1948, on the subject of procedure of extradition of fugitive offenders from Pakistan to India and vice versa - under the Figitive Offenders Act, 1881 (copy enclosed) and to say that it has been agreed between the Governments of India and Pakistan that in a case where a request is made by one Dominion for the extradition of a fugitive offender who has been accused of an offence not being the offence for which his surrender is asked, or who is undergoing sentence under any conviction in the other Dominion, the offender should not be surrendered until after he has been discharged whether by acquittal or on expiration of sentence or otherwise.

Yours faithfully,

PREM KRISHEN
Deputy Secretary.

---

Copy of Government of India, Ministry of External Affairs and Commerwealth Relations, Letter No. F.23-1/47-P.S.V (PAK) dated New Delhi, the 10th March 1948.

---

Sub: EXTRADITION OF FIGITIVE OFFENDERS FROM PAKISTAN TO INDIA and vice versa under the Figitive Offenders Act, 1881 - Procedure.

I am directed to say that the Government of India are advised that extradition of offenders as between the Dominions of India and Pakistan, which form part of His Majesty's Dominions, will be regulated by Part I of the Figitive Offender's Act of 1881 read with Section 19 of the Indian ExtraditionAct, 1903, which by virtue of an Order-in-Council dated the 7th March 1904 is to be recognised, and given effect to, throughout His Majestry's Dominions, as if it were a part of the Figitive Offenders' Act of 1881. The following procedure for the extradition of figitive offenders afrom Pakistan to India should accordingly be followed.

The Provincial Government should send to the Government of India for transmission to the Central Government of Pakistan, warrants with duly authenticated copies of depositions and other documents on which they rely to prove that there is a strong and probable presumption that the figitive committed the offence mentioned in the warrant. The depositions, warrants and documents should be ahtneiticated in the manner provided in Section 29 of the Fugitive Offenders' Act, 1881. The Government of Pakistan, on being satisfied that the warrant has been issued by some person having lawful authority to issue it, will then take action under the Act. After the completion of proceedings the Pakistan Government may ther order that the fugitive offender be conveyed and produced before the Court in India which issued the original warrant.

***

The procedure prescribed above should be observed by Indian Provinc[illegible]

*** The Govts. of Pakistan have agreed to the procedure outlined above and are issuing similar instructions to the Provincial Govts. in Pakistan in this regard.

Governments in respect of warrants received from Pakistan through this Ministry.

I have the honour to be,
Sir,
Your most obedient servant,

T.B. CROSSLEY
Deputy Secretary.

---

GOVERNMENT OF MADRAS
Abstract
**

EXTRADITION - Fugitive Offenders from India to Pakistan and vice versa - Procedure for extradition of fugitives undergoing trial or imprisonment - Letter from the Government of India - Communicated

Home Department.

G.O. (Ms) No. 4771. Dated, the 30th November 194
READ - the following:-

G.O. No. 1220 Home dated the 1st April 1948
G.O. No. 1300 Home dated the 8th April 1948
G.O. No. 3773 Home dated the 16th September 1949
From the Government of India, Ministry of External Affairs, F.30-19/48-Pak-II dated the 17th November 1949.

- - -

ORDER:

Communicated to the Chief Presidency Magistrate, Madras, District Magistrate (Judicial). Vellore, all Bther District Magistrates and Additional District Magistrates (Independent), Chingleput and North Arcot.

(By order of His Excellency the Governor)

O. PULLA REDDY
Secretary to Government.

To the Chief Presidency Magistrate.
To the District Magistrates (Judicial), Vellore.
To the Additional District Magistrates (Indepentn) Chingleput and North Arcot.
To all other District Magistrates.
Copy to the Inspector-General of Registration, Madras.
Copy to the Registrar, High Court, Madras.

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.

KG
10/5

1945

**File No.** Ports II/45

Legal Department

B **BRANCH**

**Subject:—** Rules and Notifications under the Indian Ports Act, 1908

2/1945

**File No.** Ports II/45

Gen. 194 e.

383

Office of the R.L.A.

The Proposal of the Government of India in their letter at page 81 ante is that Rules 12,15 and 17 of the Bombay Minor Ports Passengers Vessels Rules should be revised in such a way as to make it clear that (i) they are applicable to passenger-carrying country craft while plying between minor ports on the inland waters leading to Bombay Harbour, or between minor ports wholly in any other inland waters in the Bombay Presidency, and (ii) such craft should not sail between minor or other ports if they have to go into the open sea in the course of passage unless they comply with the provisions of the Indian Merchant Shipping Act and the Rules made thereunder and the Collision Regulations.

2. To meet the point at (ii) a rule may be added at the end of the Bombay Minor Ports Passengers vessels Rules, a draft of which is sent herewith.

3. As for the point at (i) no further action is necessary except to specify in rules 12,15 and 17 of the said Rules that they apply only to passenger carrying country craft. However R.D. is requested first to verify that these three rules are not applied to any other kind of vessels in practice and say whether it is unobjectionable to limit their application as proposed.

O/C. Sd/-
28/5/45

Remembrancer of Legal Affairs.

U.K. to R.D. No. 4140, dated the 30th May 1945.

4 c.
V.R.K.
13/7/56

NOTIFICATION

Revenue Department.
Bombay Castle, 1946.

Indian Ports Act, 1908

No. The following draft of a notification which it is proposed to issue under clauses (e), (k), (m), and (n) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908) is published as required by sub-section (2) of the said section 6, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....

to be filled in by R.D.

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government.

Draft Notification

No. . - In exercise of the powers conferred by clauses (e), (k), (m) and (n) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908), and all other powers enabling it in this behalf, the Government of Bombay is pleased to amend the Bombay Minor Ports Passengers Vessels Rules, as follows, namely:-

After rule 33 of the said Rules, the following rule shall be inserted, namely:-

"34. Nothing in rules 12, 16 and 17 shall in any way operate in derogation of the provisions, so far as they govern vessels sailing beyond the limits of minor ports, of the Indian Merchant Shipping Act, 1923 (XXI of 1923) and in particular section 149(2) thereof, the Indian Merchant Shipping (Life Saving Appliances) Rules, 1934, for vessels of classes X and XIV defined therin and the Regulations for preventing collisions at sea issued under Her Majesty's order in Council dated the 27th November 1896."

By order of the Governor of Bom

4 c.
V.R.K.
13/7/56

Office of the R.L.A.

To meet the suggestion made by the Government of India in para. 5 of their letter at pp. 79-81 ante, the rules may be revised as proposed in the draft notification sent herewith.

O/C. Sd/-
7/9/45

Remembrancer of Legal Affairs.

U.R. to R.D. No. 6707, dated 13th-9-1945.

S c.
V.R.K.
13/7/46.

N O T I F I C A T I O N

Revenue Department.
Bombay Castle, September 1945.

Indian Ports Act, 1908.

No. - The following draft of a notification which it is proposed to issue under clauses (e), (k), (m) and (n) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (XV of 1908) is published as required by sub-section (2) of the said section 6, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....+

+ To be filled in by R.D

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect of the said draft on or before the date aforesaid will be considered by Government.

Draft Notification

No. In exercise of the powers conferred by clauses (e), (k), (m), and (n) of sub-section (1) of 6 of the Indian Ports Act, 1908 (XV of 1908), and all other powers enabling it in this behalf, the Government of Bombay is pleased to amend the Bombay Miner Ports Passengers Vessels Rules, as follows, namely:-

(1) To rule 12 of the said rules the following sub-rule shall be added, namely:-

"(3) This rule and rules 15 and 17 shall apply only to passenger-carrying country craft while plying-

(a) between miner ports in the inland waters leading to Bombay Harbour, or

(b) wholly in any other inland waters in the Province of Bombay between the miner ports specified in the Schedule appended hereto.

4 c.
V.R.K.
13/7/56

(ii) After rule 23 of the said rules, the following rule shall be inserted, namely:-

"24. Nothing in rules 12,15 and 17 shall in any way operate in derogation of the provisions, so far as they govern vessels sailing beyond the limits of minor ports, of the Indian Merchant Shipping Act, 1923 (XXI of 1923), and in particular section 149(2) thereof, the Indian Merchant Shipping (Life Saving Appliances) Rules, 1934, for vessels of classes X and XIV defined therein and the Regulations for preventing collisions at sea issued under Her Majesty's Order in Council dated the 27th November 1896."

(iii) After Annexure A to the said rules the following Schedule shall be added, namely:-

Schedule.

(Here enter A-A on p. 85 ante)+

By order of the Governer of Bombay,

Secretary to Government.

+Afterx omitting the ports referred to in the Collector or Central Excise's endorsement at page.93 ante.

4 c.
V.R.K.
13/7/56

Revenue Department,
Bombay Castle, September 1945.

Indian Ports Act, 1908

No. .→ The following draft of a notification which it is proposed to issue under clause (g) of sub-section (1) of section 6 of ~~to~~ the Indian Ports Act, 1908 (XV of 1908), is published as required by sub-section (2) of the said section 6, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....

2. Any objection or suggestion which may be received by the Secretary to the Government of Bombay in the Revenue ~~Dept~~ Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government:-

Draft Notification.

In exercise of the powers conferred by clause (g) of sub-section (1) of section 6 of the Indian Ports Act, 1908(XV of 1908), the Government of Bombay is pleased to amend the(Vesawa mooring of Vessels Rules, 1944,) as follows, namely:-

To the said rules, the following new rule shall be added, namely:-

"4. No vessels shall be anchored within a distance of 100 yards on either side of the posts marking the position of the submarine telephone cables laid by the Indian Posts and Telegraph Department of the Government of India across the Vesawa Creek"

By order of the Governor of Bombay

Secretary to Government.

4 c.
V.R.K.
13/7/56

Office of the R.L.A.

The requisite draft notification embodying the proposed rule 4, as slightly amended, is sent herewith.

O.C. Sd/-
25/9/45

Remembrancer of Legal Affairs.

U.R. to R.D. No 6921 21st September 1945.

4 4 c.
V.R.K.
13/7/56